

# Senate File 2363 - Introduced

SENATE FILE 2363  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3025)

## A BILL FOR

1 An Act relating to the requirements for a sex offender  
2 to be granted a modification of sex offender registry  
3 requirements.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.128, Code 2022, is amended to read  
2 as follows:

3 **692A.128 Modification.**

4 1. A sex offender ~~who is on probation, parole, work release,~~  
5 ~~special sentence, or any other type of conditional release~~ may  
6 file an application in district court seeking to modify the  
7 registration requirements under this chapter.

8 2. An application shall not be granted unless all of the  
9 following apply:

10 ~~a. The date of the commencement of the requirement to~~  
11 ~~register occurred at least two years prior to the filing of~~  
12 ~~the application for a tier I offender and five years prior to~~  
13 ~~the filing of the application for a tier II or III offender.~~  
14 A period of time has elapsed since the date of the offender's  
15 initial registration as follows:

16 (1) (a) Except as otherwise provided in subparagraph  
17 division (b), a tier I offender initially registered at least  
18 ten years prior to the filing of the application.

19 (b) A tier I offender who was under twenty years of age at  
20 the time the offender committed a violation of section 709.4,  
21 subsection 1, paragraph "b", subparagraph (2), subparagraph  
22 division (d), initially registered at least five years prior to  
23 the filing of the application.

24 (2) A tier II or tier III offender initially registered at  
25 least fifteen years prior to the filing of the application.

26 b. The sex offender has successfully completed all sex  
27 offender treatment programs that have been required.

28 c. A risk assessment has been completed and the sex offender  
29 was classified as a low risk to reoffend. The risk assessment  
30 used to assess an offender as a low risk to reoffend shall  
31 be a validated risk assessment approved by the department of  
32 corrections.

33 d. The sex offender is not incarcerated when the application  
34 is filed has successfully completed any pretrial release,  
35 probation, parole, or work release for the offense requiring

1 registration.

2 e. The director of the judicial district department  
3 of correctional services supervising the sex offender, or  
4 the director's designee, stipulates to the modification,  
5 and a certified copy of the stipulation is attached to the  
6 application.

7 f. The sex offender is not incarcerated when the application  
8 is filed.

9 (1) A tier I offender must not have been convicted of any  
10 criminal offense other than a simple misdemeanor, or a simple  
11 or serious misdemeanor or traffic violation under chapter 321,  
12 for the ten-year period immediately preceding the filing of the  
13 application.

14 (2) A tier II or tier III offender shall not have been  
15 convicted of any criminal offense other than a simple  
16 misdemeanor, or a simple or serious misdemeanor or traffic  
17 violation under chapter 321, for the fifteen-year period  
18 immediately preceding the filing of the application.

19 3. The application shall be filed in the sex offender's  
20 county of principal residence.

21 4. Notice of any application shall be provided to the  
22 county attorney of the county of the sex offender's principal  
23 residence, the county attorney of any county in this state  
24 where a conviction requiring the sex offender's registration  
25 occurred, and the department. The county attorney where the  
26 conviction occurred shall notify the victim of an application  
27 if the victim's address is known.

28 5. The court may, but is not required to, conduct a hearing  
29 on the application to hear any evidence deemed appropriate by  
30 the court. The court may modify the registration requirements  
31 under this chapter by reducing the registration period.

32 ~~6. A sex offender may be granted a modification if the~~  
33 ~~offender is required to be on the sex offender registry as a~~  
34 ~~result of an adjudication for a sex offense, the offender is~~  
35 ~~not under the supervision of the juvenile court or a judicial~~

~~1 district judicial department of correctional services, and the  
2 department of corrections agrees to perform a risk assessment  
3 on the sex offender. However, all other provisions of this  
4 section not in conflict with this subsection shall apply to the  
5 application prior to an application being granted except that  
6 the sex offender is not required to obtain a stipulation from  
7 the director of a judicial district department of correctional  
8 services, or the director's designee.~~

9     7. 6. If the court modifies the registration requirements  
10 under this chapter, the court shall send a copy of the order to  
11 the department, the sheriff of the county of the sex offender's  
12 principal residence, any county attorney notified in subsection  
13 4, and the victim, if the victim's address is known.

14                                   EXPLANATION

15                   The inclusion of this explanation does not constitute agreement with  
16                   the explanation's substance by the members of the general assembly.

17     This bill changes the requirements for a sex offender  
18 to be granted a modification of the sex offender registry  
19 requirements. Under current law, a sex offender must be on  
20 probation, parole, work release, special sentence, or any  
21 other type of conditional release to file an application for a  
22 modification. The bill allows any sex offender on the Iowa sex  
23 offender registry to file an application for a modification.

24     Under current law, an application to modify a sex offender's  
25 registration requirements will only be granted by a court if  
26 certain requirements are met. The bill provides that all of  
27 the following requirements must be met: (1) a tier I offender  
28 must have initially registered at least 10 years prior to the  
29 filing of the application, except for a tier I offender who  
30 was under 20 years of age at the time the offender committed  
31 sexual abuse in the third degree under certain circumstances  
32 pursuant to Code section 709.4(1)(b)(3)(d), who must have  
33 initially registered at least five years prior to the filing of  
34 the application, and a tier II or tier III offender must have  
35 initially registered at least 15 years prior to the filing of

1 the application; (2) the sex offender must have successfully  
2 completed all required treatment programs; (3) a risk  
3 assessment approved by the department of corrections must be  
4 completed and the sex offender must be classified as a low risk  
5 to reoffend; (4) the sex offender has successfully completed  
6 any pretrial release, probation, parole, or work release  
7 for the offense requiring registration; (5) the director of  
8 the judicial district department of correctional services  
9 supervising the sex offender stipulates to the modification;  
10 and (6) the sex offender is not incarcerated at the time of  
11 application and meets additional requirements dependent upon  
12 the sex offender's classification and offense.

13 The bill allows a court to reduce the period in which a sex  
14 offender is required to register.

15 The bill strikes current law allowing a sex offender to be  
16 granted a modification if the offender is required to be on  
17 the sex offender registry as a result of an adjudication for  
18 a sex offense, the offender is not under the supervision of  
19 the juvenile court or a judicial district judicial department  
20 of correctional services, and the department of corrections  
21 agrees to perform a risk assessment on the sex offender; and  
22 strikes the requirement that the director of the judicial  
23 district department of correctional services supervising the  
24 sex offender, or the director's designee, must stipulate to the  
25 modification.